

REMARKS

The present amendment is prepared in accordance with the new revised requirements of 37 C.F.R. § 1.121. A complete listing of all the claims in the application is shown above showing the status of each claim. For current amendments, inserted material is underlined and deleted material has a line therethrough.

Applicants appreciate the thoroughness with which the Examiner has examined the above-identified application. Reconsideration is requested in view of the amendments above and the remarks below.

Allowable Subject Matter

Claims 2-4 and 6-8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 9 -15 are allowed.

Applicants note with appreciation that claims 9-15 are allowed. The Examiner's attention however is directed to the fact that the allowed claims should be 9-20 based on the Examiner's comments in the Office Action.

While Applicants respectfully submit that independent claims 1 and 5 are properly allowable, Applicants have canceled claims 2-4 and 6-8 and have rewritten these claims in independent form as suggested by the Examiner. Accordingly, it is respectfully submitted that new claims 21-27 are properly allowable.

Claim Rejections – 35 USC 103

Claim 1 is rejected over U.S. Patent No. 5,428,925 to Snyder in view of U.S. Patent No. 3,103,996 to Wyatt, Jr.

As acknowledged by the Examiner, Snyder does not teach a polymer composite basement door comprising one or more through openings in one or both of the sidewalls; and one or more inserts in the through opening.

Wyatt Jr. is cited to teach a basement door comprising one or more through openings (openings in sidewall in Fig.1) in one or both of the sidewalls (10, 12, Fig. 1) and/or door leafs or other door assembly component; and one or more inserts in the through opening (louvers in the openings).

The Examiner concludes it would have been obvious to one of ordinary skill in the art at the time the invention was made to have created a polymer composite door with one or more through openings with inserts if such openings and inserts in the design provided a source for ventilation, light, and/or security means.

Applicants agree that Wyatt, Jr. does show a louver in the sidewall of a cellar door. However, it is respectfully submitted that this reference does disclose nor teach Applicants' invention whether taken singly or in any proper combination.

Applicants' invention is directed to polymer composite basement door which has one or more through openings in one or both of the sidewalls. Inserts are provided in the

through openings and the inserts may be a window, screen, and the like and the insert may be also be removed without tools.

Applicants respectfully submit that Wyatt, Jr. does not show an insert in the sidewall but merely shows a louver. The louver is not disclosed as being an insert and may be stamped in the sidewall. This is different and distinct from Applicants' invention wherein there is an opening in the sidewall in which an insert is positioned to provide a window or screen or other such device. Additionally, the insert can be removed and replaced.

Reconsideration and allowance of claim 1 is respectfully solicited.

Claim 5 is rejected under 35 USC 103(a) over U.S. Patent No. 5,428,925 to Snyder in view of U.S. Patent No. 5,749,182 to Vavrinak in view of U.S. Patent No. 2,174,989 to Lyons.

The Examiner acknowledges that Snyder does not teach the through openings in the base to be elongated longitudinal slotted through openings and that there be through openings in the legs for fastening the leg to the structure or to an extender.

Vavrinak is cited to teach elongated longitudinal through openings in a flange secured to a foundation (A, Fig.1).

Lyons is cited to teach one or more accessible through openings in the legs (holes on 22, Fig. 1) for fastening the leg to the structure or to an extender.

The Examiner concludes it would have been obvious to one of ordinary skill in the art at the time the invention was made to have constructed the through openings in the base of the basement door to be elongated longitudinal slotted through openings in order to provide leeway in the longitudinal direction for the installation of the fasteners as well as

the movement of the basement door itself. Using elongated openings in flange mounts to foundations is well known in the art.

Further, the Examiner contends that it is also obvious to one of ordinary skill in the art at the time the invention was made to have used the same technique in securing the base to the foundation as one would in securing the vertical legs to the building. Securing the basement door to the building structure with the use of through openings and fasteners is notoriously well known in the art.

Vavrinak is directed to a system for protecting the exposed upper surface of a building foundation during construction and comprises multiple pre-formed panels and shapes made of relatively thin stiff synthetic resin material. These panels overlie foam insulation attached to the foundation. Applicants acknowledge that elongated openings are shown in the panel but respectfully submit that this does not disclose nor teach Applicants' invention.

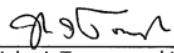
The pre-formed panels are not the base or leg of a cellar door which is secured to the foundation or house to secure the cellar door to the foundation. The pre-formed panels are being secured to the building beams merely to hold insulation against the foundation. This is different and distinct from Applicants' invention.

Lyons shows the conventional cellar door wherein circular openings are provided in the flanges to attach the door to the foundation. There is no disclosure in Lyons to use elongated openings as claimed by Applicants.

It is respectfully submitted that the application has now been brought into a condition where allowance of the case is proper. Reconsideration and issuance of a

Notice of Allowance are respectfully solicited. Should the Examiner not find the claims to be allowable, Applicants' attorney respectfully requests that the Examiner call the undersigned to clarify any issue and/or to place the case in condition for allowance.

Respectfully submitted,



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